

# **EXHIBIT 6**

1                   UNITED STATES DISTRICT COURT  
2                   NORTHERN DISTRICT OF CALIFORNIA  
3                   SAN FRANCISCO DIVISION

4                   -----x  
5     MAXIMILIAN KLEIN, et al., on :  
6     behalf of themselves and all :  
7     others similarly situated, : Case No.  
8                   Plaintiffs, : 3:20-cv-08570-JD  
9     v. :  
10    META PLATFORMS, INC., a :  
11    Delaware corporation :  
12    headquartered in California, :  
13                   Defendant. :  
14                   -----x

15  
16                   Videotaped Virtual Deposition of

17                   KEVIN KREITZMAN

18                   Monday, October 2, 2023

19                   9:08 a.m. CST

20  
21                   Job No.: 509154

22                   Pages: 1 - 255

23                   Reported Stenographically by:

24                   Tiffany M. Pietrzyk, CSR RPR CRR

Transcript of Kevin Kreitzman

Conducted on October 2, 2023

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1                   Videotaped virtual deposition of KEVIN  
2 KREITZMAN, pursuant to notice, before Tiffany M.  
3 Pietrzyk, a Certified Shorthand Reporter in the  
4 States of Illinois, Texas, and California,  
5 Registered Professional Reporter, Certified Realtime  
6 Reporter, and a Notary Public in and for the State  
7 of Illinois.

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Transcript of Kevin Kreitzman  
Conducted on October 2, 2023

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1 A P P E A R A N C E S

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21 ALSO PRESENT:

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23 Ilona Mostipan

24 Michelle Mejia, Planet Depos Remote Tech

25 Micah Hardin, Planet Depos Videographer

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1	is that earning economic profit over a nontransient	09:50:34
2	period of time.	09:50:39
3	Q. Right. But what I'm getting at is, is that	09:50:40
4	economic profit just anything that's net positive,	09:50:44
5	or is there some numerical threshold above zero?	09:50:46
6	A. Again, I haven't seen any definitions that,	09:50:51
7	you know, quantify, you know, more than 2 percent or	09:50:55
8	3 percent or -- no, I've never seen that.	09:50:59
9	Q. With respect to your understanding of it, is	09:51:03
10	it your understanding then in that case where you're	09:51:05
11	talking about an economic profit over a nontransient	09:51:08
12	period of time, that that simply means a positive	09:51:14
13	profit, meaning something above zero?	09:51:16
14	A. Yes. I mean, practically, if it's a tiny	09:51:21
15	little bit, if it's a tenth a percent above zero,	09:51:26
16	there's probably not going to be a rush to enter	09:51:30
17	that into -- (audio distortion.)	09:51:34
18	Although someone might, you know, still	09:51:34
19	expand their business a little bit. So no, again, I	09:51:37
20	don't have a particular number. I've never looked	09:51:43
21	at it that way.	09:51:48
22	Q. So -- okay. So I just want to again make	09:51:50
23	sure that we're clear about this for the record. So	09:51:54
24	then if the judge and the jury in this case wanted	09:51:56
25	to know what the numerical threshold is for there to	09:51:59

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1	be a positive economic profit or an economic profit	09:52:03
2	for a nontransient period of time, do you have a	09:52:10
3	numerical threshold to offer to them?	09:52:13
4	MS. LAWRENCE: Object to form.	09:52:16
5	A. You know, again, I'm just -- I just did the	09:52:18
6	calculations of what the economic profit is.	09:52:21
7	Q. So I take it the answer to that question was	09:52:27
8	no?	09:52:30
9	A. No, I don't have a -- not -- not giving any	09:52:31
10	guidelines as to what the cutoff point would be.	09:52:39
11	Q. Let's talk about some of the economic --	09:52:45
12	some of the foundational economic principles and	09:52:50
13	make sure that you and I are on the same page about	09:52:54
14	them before we dig into your EPR analysis.	09:52:58
15	Would you agree with me that as a matter of	09:53:01
16	economics, high profits or net positive profits can	09:53:04
17	exist even for years for reasons unrelated to	09:53:08
18	anticompetitive conduct?	09:53:12
19	A. Yes.	09:53:14
20	Q. Would you agree with me that Meta could have	09:53:14
21	had higher profits than the yardstick firms because	09:53:18
22	they offered a superior product?	09:53:22
23	MS. LAWRENCE: Object to form.	09:53:24
24	A. Again, there's a lot -- a lot of reasons why	09:53:28
25	companies have persistent market power.	09:53:32

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1       Q. Right. And this particular case, you'd                   09:53:37  
2 agree with me that Meta could have had higher                   09:53:41  
3 profits than the yardstick firms because it offered           09:53:44  
4 a superior product to those -- than those firms;           09:53:46  
5 right?   09:53:48

6       MS. LAWRENCE: Object to form.                           09:53:48

7       A. Okay. So let me kind of back up a little           09:53:49  
8 bit. And what I did was I calculated the amount of           09:54:03  
9 economic profits earned by Meta. I didn't -- I           09:54:07  
10 didn't go in and evaluate whether this was a result           09:54:17  
11 of legal or illegal content. I have no opinion on           09:54:20  
12 that.   09:54:25

13      Q. Okay. So fair. So you're saying you have           09:54:26  
14 no opinion as to what the cause was for Meta's --           09:54:30  
15 the higher profit that you calculated that Meta had;    09:54:34  
16 is that fair?   09:54:37

17      A. That's fair.   09:54:38

18      Q. Now, stepping back, you'd agree with me that           09:54:39  
19 it is possible that one of the reasons that Meta had           09:54:45  
20 higher profits than the yardstick firms, is they had           09:54:48  
21 a superior product; right?                                   09:54:52

22      MS. LAWRENCE: Object to form.                           09:54:53

23      A. You know, anything is possible.                    09:54:54

24      Q. And you haven't analyzed that and ruled that           09:54:58  
25 out; right?   09:55:02

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1	economic profits.	09:59:20
2	Q. So that's true for superior human capital as	09:59:20
3	well; right?	09:59:26
4	A. Yes.	09:59:26
5	Q. And that's also true for -- well, let me ask	09:59:27
6	the question more completely.	09:59:30
7	You have not analyzed whether or not Meta's	09:59:31
8	higher profits could be attributable to or caused by	09:59:34
9	effective product differentiation; correct?	09:59:39
10	A. Okay. So kind of the same answer again. I	09:59:44
11	did not -- I did not go through and try to assign	09:59:47
12	sources of economic profits to the risk factors.	09:59:52
13	Q. Right. And that's true for product	09:59:57
14	differentiation as a potential cause for higher	09:59:59
15	profits; right?	10:00:02
16	A. Yes, I have not -- I have not done that	10:00:03
17	analysis.	10:00:06
18	Q. And you have not analyzed whether or not	10:00:07
19	Meta's higher profits result from wise investment	10:00:10
20	and product innovation; right?	10:00:18
21	A. I haven't done that analysis.	10:00:20
22	Q. And you have not analyzed whether or not	10:00:21
23	Meta's higher profits might result from alleged	10:00:24
24	anticompetitive conduct unrelated to the advertiser	10:00:28
25	plaintiffs' claims; right?	10:00:31

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1	A. I have not done that analysis.	10:00:33
2	Q. Now, you also have not analyzed whether or	10:00:35
3	not Meta's ad revenues could be -- so I'm setting	10:00:46
4	aside profits for a moment.	10:00:51
5	A. Yeah.	10:00:51
6	Q. I'm talking about ad revenues.	10:00:52
7	You have not analyzed whether or not Meta's	10:00:54
8	ad revenues are attributable to factors like	10:00:56
9	superior product, superior management quality,	10:01:00
10	superior human capital, product differentiation, or	10:01:03
11	innovation; correct?	10:01:07
12	A. Yes. Once again, I did not -- I did not	10:01:13
13	look for sources of economic profits. I calculated	10:01:17
14	what they were.	10:01:23
15	Q. Right. But I'm talking about ad revenues	10:01:24
16	right now. You have not analyzed whether or not or	10:01:26
17	the extent to which Meta's ad revenues are driven by	10:01:28
18	those factors; correct?	10:01:34
19	A. Again, I did not look at that, yes.	10:01:37
20	Q. And is it also fair to say that in your	10:01:41
21	economic profit analysis, you did not adjust your	10:01:44
22	calculations to account for those factors: Superior	10:01:49
23	product, superior management quality, superior human	10:01:53
24	capital, product differentiation, or product	10:01:57
25	innovation?	10:02:00

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1       A. There was nothing to adjust. The economic                   10:02:01  
2 profits are based on the cash flows. The cash flows                   10:02:07  
3 in, the modern capital, these other factors, so                   10:02:14  
4 there were no adjustments to make for any of those                   10:02:19  
5 factors in my calculations.   10:02:23

6       Q. And then with respect to your selection                   10:02:24  
7 criteria, did you specifically adjust for or design                   10:02:30  
8 for your selection criteria to select firms that                   10:02:39  
9 were comparable to Meta on those dimensions that I                   10:02:44  
10 just mentioned: Superior product, superior                   10:02:48  
11 management quality, superior human capital, product           10:02:53  
12 differentiation, or product innovation?                       10:02:58

13      A. No, and I guess we're assuming that all                   10:03:00  
14 these things were superior. I didn't look at them                   10:03:13  
15 at all, so I didn't say that -- again, I did not                   10:03:15  
16 look at the source. I calculated the economic                   10:03:21  
17 profits.   10:03:23

18      Q. Okay. But what I'm asking is, those five                   10:03:23  
19 criteria that I just mentioned: Product quality,                   10:03:26  
20 management quality, human capital, product                   10:03:29  
21 differentiation, and innovation, those are not                   10:03:31  
22 criteria that you adjusted for in your selection           10:03:34  
23 criteria in order to select firms that were                   10:03:39  
24 comparable to Meta on those five dimensions;                   10:03:42  
25 correct?   10:03:48

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1       A. No, those were not in the -- we had -- I                   10:03:48  
2 think we were very clear on what the six criteria               10:03:52  
3 were. So if it wasn't one of those, then it's -- it           10:03:54  
4 wasn't one of the selection criteria.                           10:04:01

5       Q. Right. And what I guess I want to be very           10:04:03  
6 clear about so that there's no confusion down the           10:04:06  
7 road is, the five criteria I just mentioned, product           10:04:10  
8 quality, management quality, human capital, product           10:04:13  
9 innovation, and product differentiation, those are           10:04:17  
10 not in the six criteria that you selected for;           10:04:19  
11 correct?   10:04:23

12      A. Well, I mean, in order to have criteria,           10:04:23  
13 they need to be things that you can measure and can           10:04:26  
14 get information on.   10:04:28

15      Q. Right. And so they were not part of your           10:04:30  
16 six selection criteria?                                       10:04:33

17      A. No.   10:04:35

18      Q. Is that right?                                   10:04:37

19      A. Well, no, there would be no practical way to           10:04:41  
20 say management quality.                                   10:04:45

21      Q. Okay. So --                                       10:04:49

22      A. Yeah. To me, it's an odd question because           10:04:52  
23 I'm not using criteria that couldn't be used.           10:04:56

24      Q. Yeah, because of the way the question was           10:05:01  
25 asked -- this is on me -- the transcript might be a           10:05:04

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1 little muddy. So I want this to be clear. I'm 10:05:07  
2 gonna try to ask it in a way where you can answer it 10:05:10  
3 and it will be very clear what the answer is. 10:05:13  
  
4 So the five criteria that I just mentioned, 10:05:15  
5 product quality, management quality, human capital, 10:05:19  
6 product differentiation, and product innovation, 10:05:23  
7 those are not criteria that you used to select the 10:05:25  
8 comparable firms; is that correct? 10:05:29  
  
9 A. Yeah. Those are not criteria that could be 10:05:32  
10 used. 10:05:35  
  
11 Q. And the reason you're saying that is because 10:05:37  
12 those are qualitative and not quantitative criteria; 10:05:40  
13 is that your testimony? 10:05:44  
  
14 A. Let me think if that is -- you can put it 10:05:45  
15 that simply. Well, they're not things that could 10:05:57  
16 be -- there would be no basis for reasonably 10:06:02  
17 estimating them. 10:06:07  
  
18 Q. Okay. Now, apart from the selection 10:06:09  
19 criteria, so I know your selection criteria did not 10:06:12  
20 factor those five things in. Apart from that, did 10:06:15  
21 your economic profits analysis factor in or adjust 10:06:19  
22 for the five criteria that I just mentioned, 10:06:23  
23 superior product or product quality, management 10:06:26  
24 quality, human capital, product differentiation, or 10:06:29  
25 product innovation, in any way? 10:06:32

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1 MS. LAWRENCE: Object to form. 10:06:35

2 A. Again, it's a calculation. And it's a 10:06:36

3 calculation of the profits earned by Meta or 10:06:43

4 whatever company compared to its cost to capital. 10:06:52

5 Those are the things that are used for calculating 10:06:57

6 economic profit. There's no adjustments to make 10:07:01

7 anywhere. The economic profit is what it is 10:07:06

8 regardless of the source. 10:07:08

9 Q. Okay. Maybe I can ask the question a little 10:07:10

10 bit differently. I think I understand what you're 10:07:12

11 saying. 10:07:15

12 In your identification of the yardstick 10:07:16

13 firms, did you make any adjustments or otherwise 10:07:19

14 consider product quality, management quality, human 10:07:25

15 capital, product differentiation, or product 10:07:29

16 innovation in selecting those comparable firms? 10:07:32

17 MS. LAWRENCE: Object to form. 10:07:35

18 A. Well, those would have been -- wouldn't 10:07:38

19 necessarily have been a very subjective set of 10:07:43

20 criteria. So no, it's not the type of thing that 10:07:48

21 would work as a criteria. Or an adjustment to a 10:07:55

22 criteria. 10:07:58

23 Q. So the answer to my question is no, that's 10:07:59

24 not something that you considered or adjusted for; 10:08:01

25 correct? 10:08:04

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1 A. Correct. 10:08:04

2 Q. Now, is it also fair, then, that nothing in 10:08:05  
3 your opinion excludes the possibility that those 10:08:11  
4 factors, product quality, management quality, human 10:08:15  
5 capital, product differentiation, and product 10:08:20  
6 innovation, are the cause for Meta's profits? 10:08:22

7 MS. LAWRENCE: Object to form. 10:08:26

8 A. Okay. So, again, the calculation, it's -- 10:08:28  
9 I'm gonna give the same answer no matter what the 10:08:38  
10 cause was. It's -- 10:08:41

11 Q. Right. My -- 10:08:46

12 A. Yeah, so it's -- it's the profits compared 10:08:48  
13 to the weighted average cost of capital. So those 10:08:50  
14 things wouldn't be included in a calculation -- in 10:08:57  
15 the estimation of economic profits. 10:09:01

16 Q. Right. But let's go back to my question. 10:09:07  
17 Given what you just said, nothing in your opinion 10:09:09  
18 would exclude the possibility that those other 10:09:13  
19 factors, product quality, management quality, human 10:09:16  
20 capital, product differentiation, and product 10:09:19  
21 innovation, are the cause for Meta's profits; right? 10:09:22

22 MS. LAWRENCE: Object to form. 10:09:27

23 A. Again, I didn't just find anything as to the 10:09:29  
24 cause of the economic profits. I measured what they 10:09:34  
25 were. So -- 10:09:37

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1       Q. Right. So your opinion doesn't exclude the                   10:09:41  
2 possibility that those would be the causes; right?                   10:09:45  
3       A. No, my opinion is just what the economic                   10:09:48  
4 profits are.   10:09:50  
5       Q. And is it also true that your opinion does                   10:09:51  
6 not exclude the possibility that the excess economic                   10:09:56  
7 profits, or the higher economic profits that you                   10:10:00  
8 calculate relative to the yardsticks are caused by                   10:10:03  
9 those other five factors?   10:10:07  
10      A. Kind of the same answer again. I didn't --                   10:10:12  
11 I did not do any analysis as to what was the cause                   10:10:18  
12 of economic profits or excess economic profits.                   10:10:23  
13      Q. Now, going, again, back to sort of your                   10:10:27  
14 understanding of the foundational economic                   10:10:32  
15 principles, you would agree with me that it is                   10:10:36  
16 possible for firms in competitive industries to have                   10:10:39  
17 positive economic profit; right?                                   10:10:41  
18      A. Are we talking -- I mean, in a -- in a                   10:10:45  
19 theoretically perfectly competitive industry and                   10:10:52  
20 equilibrium, I suppose there could still be some                   10:11:00  
21 that have a slight advantage over others. So there                   10:11:05  
22 can be -- there can be some economic profits in --                   10:11:08  
23 in kind of in the real world where there's                   10:11:11  
24 competition but not perfect competition.                           10:11:17  
25      Q. Okay. And you would agree with me -- well,                   10:11:19

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1	you did not, as part of your methodology, look at	11:07:23
2	the 10-Ks for the other firms that you considered to	11:07:27
3	see whether they broke out advertising revenue or	11:07:30
4	advertising segments; right?	11:07:32
5	MS. LAWRENCE: Object to form.	11:07:35
6	A. You know, again, I'm going to have to, you	11:07:35
7	know, come back to the criteria that I used, and it	11:07:49
8	wasn't a criteria to go in and look for -- I guess	11:07:52
9	I'm trying to understand what you're asking, but	11:07:59
10	it's -- did we go in and look for other companies	11:08:01
11	that would break out the ads or the non-ad segments	11:08:07
12	to the extent where they could be included? No,	11:08:13
13	that wasn't a specific criteria.	11:08:23
14	Q. So that's not something that you did; right?	11:08:26
15	MS. LAWRENCE: Object to form.	11:08:29
16	A. Again, I looked at a lot of things. I	11:08:29
17	looked at a lot of these other companies. And I	11:08:35
18	didn't specifically search for that. Would I have	11:08:43
19	seen it when I looked at them? But, again, that	11:08:48
20	wasn't part of the criteria. The six criteria	11:08:58
21	measures. I didn't go in and see, you know, did	11:09:01
22	they have an actual --	11:09:04
23	THE REPORTER: I'm sorry. Could you repeat	11:09:04
24	the end?	11:09:04
25	A. I didn't go and look at companies and see if	11:09:13

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1 they had adequate segment information to do analysis 11:09:16  
2 of just that piece of the company, but I didn't -- 11:09:25  
3 probably the main reason is I wouldn't expect to 11:09:30  
4 find anything. 11:09:33

5 Q. But that's not something that you did; 11:09:34  
6 right? 11:09:38

7 MS. LAWRENCE: Object to form. 11:09:38

8 Q. Is that right? 11:09:40

9 A. Again, I didn't specifically use that as a 11:09:44  
10 screen -- 11:09:46

11 Q. Now -- 11:09:48

12 A. -- criteria, yeah. 11:09:51

13 Q. Now there were -- is it fair to say that if 11:09:54  
14 there were a private firm, privately traded firm or 11:10:04  
15 privately held firm, I should say, that is at least 11:10:08  
16 as comparable to Meta or more comparable to Meta 11:10:13  
17 than your yardstick firms, that that would not be 11:10:20  
18 something that you would have -- you would've found 11:10:23  
19 in your analysis? 11:10:23

20 MS. LAWRENCE: Object to form. 11:10:26

21 A. A private company would not be found in my 11:10:33  
22 analysis. 11:10:38

23 Q. So it's possible that there are privately 11:10:38  
24 held firms that are at least as comparable or more 11:10:42  
25 comparable to Meta than the yardstick firms that you 11:10:45

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1 identified that are excluded from your analysis; 11:10:48  
2 correct? 11:10:52

3 MS. LAWRENCE: Object to form. 11:10:52

4 A. Again, you can say anything is possible. I 11:10:56  
5 did not look for private companies as potential 11:11:02  
6 comps. So if there -- so whatever is in that sample 11:11:12  
7 size, I really have not evaluated. 11:11:14

8 Q. Let's talk about the industry filter that 11:11:16  
9 you just -- or that you employed. 11:11:22

10 A. Uh-huh. 11:11:26

11 Q. Now, as I understand it, you used a filter 11:11:26  
12 or an industry segment that was identified by CapIQ; 11:11:32  
13 is that right? 11:11:37

14 A. Yes. 11:11:37

15 Q. Okay. And as I understand it, that filter 11:11:38  
16 is set to or selected to limit the -- well, maybe I 11:11:42  
17 shouldn't say limit. 11:11:49

18 That industry filter was a criteria that was 11:11:51  
19 used to identify companies that rely on 11:11:55  
20 pay-per-click advertisements for their primary 11:12:00  
21 revenue source; correct? 11:12:03

22 MS. LAWRENCE: Object to form. 11:12:04

23 A. Well, that -- I think you're referring to 11:12:08  
24 the CapIQ definition. 11:12:10

25 Q. Yes. 11:12:13

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1           A. And so I'm not -- I didn't really rely on           11:12:14  
2 that definition. So the second criteria, the           11:12:25  
3 interactive media services, this is the category           11:12:43  
4 that Meta was in, so these are industries that were           11:12:50  
5 in the same category as Meta. Their primary -- and           11:12:54  
6 it's the interactive media and services, which would           11:13:02  
7 pick up things like companies that are on the           11:13:11  
8 internet that were selling ads and had other           11:13:22  
9 services as well.   11:13:28

10          Q. Let's go to paragraph 27 of your reply           11:13:32  
11 report, please.   11:13:35

12          A. Yeah.   11:13:36

13          Q. Are you there?                                       11:13:50

14          A. Yes.   11:13:50

15          Q. In paragraph 27, you're talking about the           11:13:50  
16 industry filter; right?                                       11:13:53

17          A. Oh, I'm sorry. The reply report. I was           11:13:58  
18 looking --   11:14:00

19          Q. The reply report. Yeah.                           11:14:01

20          A. I was gonna say that doesn't look familiar.   11:14:02  
21 Well, my fingers are still a little numb here. I'm           11:14:15  
22 a little slow at turning the pages.                       11:14:23

23          Q. It's page 15.                                       11:14:25

24          A. Yep.   11:14:26

25          Q. You there?   11:14:29

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1	whether or not those accounted for revenue that	16:50:36
2	would have been more than 20 percent of Wirtualna	16:50:39
3	Polska's total revenue during the class period, you	16:50:43
4	actually don't know the answer to that, do you?	16:50:48
5	A. I don't know exactly where it would fall.	16:50:51
6	Indications are it was not material. And	16:50:57
7	indications that it only became material after a	16:51:00
8	series of acquisitions in that's other lines of	16:51:04
9	business.	16:51:06
10	Q. Well, that's your assumption based on what	16:51:07
11	they were reporting and when they were reporting it.	16:51:11
12	You actually don't know what the revenue was for the	16:51:13
13	nonadvertising segments of Wirtualna Polska's	16:51:17
14	business during the class period, do you?	16:51:20
15	MS. LAWRENCE: Object to form.	16:51:23
16	A. Okay. So, again, I don't know exactly what	16:51:26
17	that percentage would be because that information	16:51:28
18	was not provided.	16:51:35
19	Q. Right. And, in fact, based on the 2020	16:51:36
20	annual report, we know that those nonadvertising	16:51:42
21	segments existed prior to the acquisitions that you	16:51:45
22	pointed to in 2021 and 2022?	16:51:49
23	A. Yeah. Uh-huh.	16:51:52
24	Q. Okay. Let's -- was that a yes to the last	16:51:53
25	question?	16:52:03

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1	MS. LAWRENCE: Before he answers, I was	16:52:04
2	going to object to form. Object to form.	16:52:05
3	Then answer.	16:52:07
4	Q. You said, "Yeah, uh-huh." I think that's a	16:52:08
5	yes?	16:52:11
6	A. I think that's a yes. I'm getting a little	16:52:11
7	bit worn down at this point in time.	16:52:14
8	Q. Your best testimony to that question is yes,	16:52:17
9	isn't it?	16:52:21
10	MS. LAWRENCE: Object to form.	16:52:22
11	A. Yes.	16:52:22
12	Q. Okay. A couple odds and ends I wanted to	16:52:23
13	just finalize here.	16:52:30
14	In evaluating your -- or conducting your	16:52:32
15	analysis in this case, did you do anything to break	16:52:38
16	down Meta's advertising business between social	16:52:43
17	advertising and nonsocial advertising?	16:52:47
18	MS. LAWRENCE: Object to form.	16:52:50
19	A. Okay. No. Once again, I just took the	16:52:56
20	advertising revenue and the expenses and calculated	16:53:04
21	the economic profits.	16:53:09
22	Q. And you did not distinguish between social	16:53:10
23	and nonsocial advertising; correct?	16:53:14
24	A. I did not.	16:53:16
25	Q. And is that also true for the other firms	16:53:18

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1	you evaluated, you did not distinguish between	16:53:20
2	social and nonsocial advertising for any of the	16:53:25
3	other firms; is that correct?	16:53:27
4	A. Yeah, I don't recall any that I would have	16:53:29
5	made that distinction. Again, I was looking at the	16:53:33
6	revenues and expenses and capital and calculating	16:53:38
7	economic profits.	16:53:41
8	Q. Now, you did testify earlier that in	16:53:42
9	evaluating comparability, at least for criteria 6,	16:53:46
10	you were looking at targeted advertising.	16:53:50
11	Do you recall that?	16:53:53
12	MS. LAWRENCE: Object to form.	16:53:55
13	A. That was the targeted advertising is a term	16:53:57
14	I use to mean that I was advertising based on	16:54:14
15	information created through the business of the	16:54:17
16	company.	16:54:22
17	Q. Did you do anything to evaluate social	16:54:23
18	versus nonsocial advertising when it came to	16:54:27
19	criteria number 6, selection criteria number 6?	16:54:30
20	A. No.	16:54:33
21	Q. At what point did you come up with your list	16:54:37
22	of yardstick firms, what date?	16:54:42
23	MS. LAWRENCE: Object to form.	16:54:47
24	A. You mean at what -- when did we do this? I	16:54:55
25	don't remember exactly. Certainly sometime before	16:55:05

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1 CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC

2

3 I, Tiffany M. Pietrzyk, CSR RPR CRR, the  
4 officer before whom the foregoing deposition was  
5 taken, do hereby certify that the foregoing  
6 transcript is a true and correct record of the  
7 testimony given; that said testimony was taken by me  
8 stenographically and thereafter reduced to  
9 typewriting under my direction; that reading and  
10 signing was not requested; and that I am neither  
11 counsel for, related to, nor employed by any of the  
12 parties to this case and have no interest, financial  
13 or otherwise, in its outcome.

14

15 IN WITNESS WHEREOF, I have hereunto set my  
16 hand and affixed my notarial seal this 3rd of  
17 October, 2023.

18

19

20

21

Tiffany M. Pietrzyk

22 My commission expires:

23 February 28th, 2024

24

25